IN THE HIGH COURT OF JUDICATURE
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE J.CHELAMESWAR
AND
THE HON'BLE SRI JUSTICE D.APPA RAO

WP No. 17418 of 2006

Between :

Syed Hafeezullah .. Petitioner

And

The Licensing Officer
(Central Zone),
O/o JTC & Secretary,
Regional Transport Authority,
Hyderabad and another .. Respondents

Dated : 23rd August, 2006

ORAL ORDER : (per JC,J)

The petitioner claims to have purchased a vehicle bearing Registration No. AP 12T – 9592 from the original registered owner – Progressive Engineering College under the Motor Vehicles Act. Admittedly, the necessary formalities to have such transfer of ownership registered under the Motor Vehicles Act have not yet been complied with. In the meanwhile, the petitioners vehicle was checked by the 2nd respondent on 25.12.2005 and according to the Check Report, irregularities were noticed. Therefore, the vehicle was seized and a show-cause notice dated 24.7.2006 was issued to the above registered owner – Progressive

Engineering College. On 1.8.2006, the petitioner replied to the show-cause notice claiming to be the successor in title of the registered owner. The 1st respondent by his proceedings dated 8.8.2006 in a laconic order rejected the explanation. The relevant portion reads :

> "On 1.8.2006 the regd owner has submitted his explanation which is not convincing."

And therefore demanded an amount of Rs.1.25 Lakhs. Hence, the present writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader.

Learned Government Pleader argued that the petitioner is not a registered owner. There is no material on the record of the respondents to establish that the petitioner is a registered owner of the vehicle. There does not appear to be a dispute in this regard. Even the petitioner did not claim to be contrary. Curiously, in the impugned order, the 1st respondents describes `the petitioner as the regd owner has submitted his explanation which is not convincing', the fact which is enough to demonstrate that there was absolute non application of mind in the instant case. Apart from that, the rejection on such laconic way in our view is not compliance with the requirements of law. The authorities such as the respondents herein entrusted with the statutory obligations who deal with the rights and obligations of the parties are required to apply their minds to the facts of the case and take an appropriate decision in accordance with law. By any standards known to law, the impugned order can be said to

comply with the requirements of law. The order is therefore set aside.

In the circumstances, the matter is remitted back to the authority concerned for fresh consideration in accordance with law and the same may be disposed within a period of one week from the date of receipt of a copy of this order. The writ petition is disposed of accordingly.

J.Chelameswar, J

D.Appa Rao, J

Knk
23rd August 2006
Note :
CC by tomorrow
(b/o)
knk